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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**REGULATION (EC) No 48/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 5 December 2003  
on the production of annual Community statistics on the steel industry for the reference years  
2003-2009**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

- (1) The statistics on the steel industry were based on the Treaty establishing the European Coal and Steel Community (ECSC) which came to an end on 23 July 2002.
- (2) Regulation (EC) No 1840/2002 <sup>(4)</sup> of the European Parliament and of the Council of 30 September 2002 was adopted to ensure the prolongation until 31 December 2002 of the ECSC steel statistics system after the expiry of the ECSC Treaty.
- (3) It is necessary to continue collecting statistics on the steel industry in order to implement future Community policies on the steel industry. No other existing statistical system at a European level is able to satisfy the need for such statistics. A new Regulation based on the EC Treaty is therefore needed on the collection of Community statistics on the steel industry.
- (4) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics <sup>(5)</sup> constitutes the reference framework for the provisions of this Regulation.
- (5) A transitional phase running from 2003 to 2009 is needed to determine whether steel statistics can be integrated into other statistical systems.
- (6) Enterprises in the steel industry need worldwide information on investment and capacity in order to assess possible future undercapacity or overcapacity for par-

ticular classes of steel products. Community statistics on investment and capacity contribute to a global network of information on world steel capacity, organised under the auspices of the OECD.

- (7) Statistics on energy consumption in the steel industry yield information not only on energy use and production within the steel industry but indirectly also on emission of pollutants.
- (8) Statistics on the availability of stocks of iron and steel scrap are needed to monitor the use of this important raw material for steel making.
- (9) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(6)</sup>.
- (10) The Statistical Programme Committee has been consulted in accordance with Article 3 of Council Decision 89/382/EEC, Euratom <sup>(7)</sup>,

HAVE ADOPTED THIS REGULATION:

*Article 1*

**Objective**

The objective of this Regulation is to establish a common framework for the systematic production of Community statistics on the steel industry for the reference years 2003-2009.

*Article 2*

**Definitions**

For the purpose of this Regulation, the terms 'Community statistics' and 'production of statistics' shall bear the meanings given to them by Regulation (EC) No 322/97.

<sup>(1)</sup> OJ C 45 E, 25.2.2003, p. 154.

<sup>(2)</sup> OJ C 133, 6.6.2003, p. 88.

<sup>(3)</sup> Opinion of the European Parliament of 13 May 2003 (not yet published in the Official Journal) and Council Decision of 17 November 2003.

<sup>(4)</sup> OJ L 279, 17.10.2002, p. 1.

<sup>(5)</sup> OJ L 52, 22.2.1997, p. 1.

<sup>(6)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(7)</sup> OJ L 181, 28.6.1989, p. 47.

*Article 3***Scope**

This Regulation shall cover data on the steel industry, which is defined as group 27.1 of the statistical classification of economic activities in the European Community, (NACE Rev. 1), established by Council Regulation (EEC) No 3037/90 <sup>(1)</sup>.

Where the value-added at factor cost of the enterprises in a Member State's steel industry represents less than 1 % of the Community total, the data on the characteristics need not be collected.

*Article 4***Characteristics**

The data supplied, which shall conform to the format set out in the Annex, shall relate to kind-of-activity unit characteristics as defined in Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community <sup>(2)</sup> and to enterprises having 50 or more employees.

*Article 5***Time reference and periodicity**

Member States shall compile on an annual basis the data specified in the Annex for the first time for the year 2003 and for each year thereafter until 2009.

*Article 6***Transmission of data**

1. Member States shall transmit to the Commission (Eurostat) data and metadata on the steel industry aggregated over the units referred to in Article 4. The transmission shall include confidential data in accordance with the existing Community provisions on the transmission of data subject to confidentiality.

2. Member States shall transmit the data and metadata in electronic form. Transmission shall conform to an appropriate interchange standard approved in accordance with the procedure referred to in Article 8(2). Eurostat shall make available detailed documentation in relation to approved standards and shall supply guidelines on how to implement these standards according to the requirements of this Regulation.

3. Member States shall transmit data and metadata within six months from the end of the reference year. However, in accordance with the procedure referred to in Article 8(2), the Commission may extend this period to 12 months for the first transmission for those Member States who have difficulties implementing this Regulation.

<sup>(1)</sup> OJ L 293, 24.10.1990, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 76, 30.3.1993, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003.

*Article 7***Implementing measures**

The following measures for the implementation of this Regulation shall be laid down in accordance with the procedure referred to in Article 8(2):

- (a) any alteration to the list of characteristics, provided that no significant additional burden is imposed upon the Member States;
- (b) transmission formats and the first transmission period.

*Article 8***Procedure**

1. The Commission shall be assisted by the Statistical Programme Committee, instituted by Article 1 of Decision 89/382/EEC, Euratom.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 9***Reports**

Within five years of the entry into force of this Regulation, the Commission shall submit a report to the European Parliament and the Council on its implementation.

In particular, the report shall:

- (a) assess the benefits accruing to the Community, the Member States and the providers and users of statistical information of the statistics produced in relation to their costs;
- (b) assess the quality of the statistics produced;
- (c) verify synergy with other Community activities;
- (d) propose any changes considered necessary to improve the operation of this Regulation.

*Article 10***Entry into force**

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 December 2003.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

P. LUNARDI

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## ANNEX

## DATA REFERRED TO IN ARTICLES 4, 5 AND 6 TO BE TRANSMITTED TO EUROSTAT

## 1. Yearly statistics on the steel and cast iron scrap balance sheet

(Unit: tonnes)

Code	Title
	Steel and cast iron scrap balance sheet
1010	Stocks on first day of year
1020	Arising within the works
1030	Receipts (1031+1032+1033)
1031	— from home sources
1032	— from other Community Member States
1033	— from third countries
1040	Total available (1010+1020+1030)
1050	Consumption total ...
1051	... of which electric furnaces
1052	... of which stainless scrap
1060	Deliveries
1070	Stocks on last day of year (1040-1050-1060)

## 2. Fuel and Energy Consumption and Balance Sheet for Electrical Energy in the Steel Industry

## Part A: Annual statistics on the Fuel and Energy Consumption broken down by type of plant (\*)

(Unit: tonnes or Giga Joules (GJ))

Code	Title	Comment
	Fuel and energy consumption	
2010	Solid fuels (2011+2012)	tonnes
2011	Coke	tonnes
2012	Other solid fuels	tonnes
2020	Liquid fuels	tonnes
2030	Gas (2031+2032+2033+2034)	GJ
2031	Blast furnace gas	GJ
2032	Coke oven gas	GJ
2033	Converter gas	GJ
2034	Other gas	GJ
2040	External deliveries of blast furnace gas	GJ
2050	External deliveries of converter gas	GJ

(\*) Plant for load preparation: Rolling mill departments  
 Blast furnaces and electric iron making furnaces: Electricity generating stations  
 Melting shops: Other plant

## Part B: Annual statistics on the balance sheet for electrical energy in the steel industry

(Unit: MWh)

Code	Title
	Balance sheet for electrical energy in the steel industry
3100	Resources (3101+3102)
3101	Gross production
3102	Receipts from outside
3200	Used (3210+3220+3230)
3210	Consumption by plant (3211+3212+3213+3214+3215+3216+3217)
3211	Sinter plant and plant for preparation of burden
3212	Blast furnaces and electric iron making furnaces
3213	Electric melting shops and continuing casting
3214	Other melting shops and continuing casting
3215	Rolling mill departments
3216	Electricity generating stations
3217	Other plant
3220	Deliveries to outside
3230	Losses

3. Enquiry on investments in the iron and steel industry  
(Expenditure and capacity)

## Part A: Annual statistics on expenditure

(Unit: millions of EUR)

Code	Title
	Investment expenditure in the iron and steel industry
4010	Coking plant
4020	Plant for load preparation
4030	Plant for ironmaking and ferro-alloys (including blast furnaces)
4040	Steelworks melting shops
4041	... of which electric
4050	Continuous casting
4060	Rolling mills (4061+4062+4063+4064)
4061	Flat products
4062	Long products
4063	Cold wide strip mills
4064	Coating installations
4070	Other plant
4100	General total (4010+4020+4030+4040+4050+4060+4070)
4200	... of which to combat pollution

## Part B: Annual statistics on capacity

*(Unit: 1 000 tonnes per year)*

Code	Title
	Maximum possible production in the iron and steel industry (capacity)
5010	Coke
5020	Load preparation
5030	Pig iron and ferro-alloys
5040	Crude steel
5041	— of which electric
5042	— of which continuous casting
5050	Products obtained directly by hot rolling (5051+5052)
5051	Flat products
5052	Long products
5060	Products obtained from hot rolling products (excluding coated products)
5061	... of which products obtained by cold rolling
5070	Coated products



**COMMISSION REGULATION (EC) No 49/2004**  
**of 12 January 2004**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 January 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 January 2004.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 12 January 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	85,5
	204	43,6
	624	193,8
	999	107,6
0707 00 05	052	134,5
	204	122,9
	220	255,9
	999	171,1
0709 90 70	052	69,3
	204	92,9
	999	81,1
0805 10 10, 0805 10 30, 0805 10 50	052	54,2
	204	55,6
	220	35,9
	388	23,8
	999	42,4
0805 20 10	052	77,9
	204	95,0
	999	86,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	90,7
	624	72,5
	999	81,6
0805 50 10	052	74,5
	400	38,7
	600	65,2
	999	59,5
0808 10 20, 0808 10 50, 0808 10 90	060	42,4
	400	92,3
	404	83,7
	720	76,4
	800	131,2
	999	85,2
0808 20 50	052	41,8
	060	57,4
	064	60,0
	400	78,4
	528	96,9
	720	62,4
	999	66,2

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 50/2004**  
**of 9 January 2004**

**amending Regulation (EC) No 2535/2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas, and derogating from that Regulation**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, and in particular Articles 26(3) and 29(1) thereof,

Whereas:

- (1) Chapter III of Commission Regulation (EC) No 2535/2001 <sup>(2)</sup> mainly concerns an annual quota for butter, which is not shared out over the year. To allow imports under this quota to be spread evenly throughout the quota year, with a view to ensuring an appropriate supply of the internal market, the quota in question should be allocated in two six-month tranches, taking account of the historic development of the product concerned within the quota period.
- (2) Chapter I of Regulation (EC) No 2535/2001 concerns quotas allocated on the basis of two six-month periods in January and July each year. In view of the accession of 10 new Member States on 1 May 2004, operators in these countries should be given the opportunity to participate in Community quotas from that date. To this end, the quantities opened in January 2004 should be limited to the quantities equivalent to the period from January to April 2004. However, this allocation should not apply to quotas for the calendar year, where those quotas are characterised by under-utilisation during the previous periods.
- (3) Regulation (EC) No 2535/2001 includes detailed rules for applying, in the milk and milk products sector, the import arrangements provided for in the Europe Agreements between the Community and its Member States, of the one part, and certain countries of central and eastern Europe, of the other part. In order to implement the concessions provided for in Council Decision 2003/452/EC of 26 May 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European

Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions <sup>(3)</sup>, certain existing quotas should be increased.

- (4) In order to keep the Commission informed of changes in the composition of the cheese imported under the different quotas, under Article 19 of Regulation (EC) No 2535/2001 operators must indicate certain contents on import declarations. Where the contents shown exceed those given in Annex XIII, the competent authorities are to notify the Commission thereof. The notifications received by the Commission since imposing this obligation demonstrate a degree of stability in the composition of the cheese imported, as regards the type and origin of the cheese. The notifications generate a heavy workload for the customs services and the Commission, and produce a substantial volume of documents, while the overruns on the base contents are negligible in most cases. Notifications should therefore be limited to cases where the contents are abnormally high, by adapting the contents in Annex XIII. Moreover, for certain categories of cheese, the advantage of obtaining notifications of overruns of the contents in Annex XIII has proved negligible, as any variation in the contents concerned remains within the intervals fixed in the description of those products in the Combined Nomenclature. Notifications for the products in question should therefore be abolished.
- (5) New Zealand has sent the Commission information relating to the new issuing body. Annex XII to Regulation (EC) No 2535/2001 should therefore be updated.
- (6) In view of the accession of the new Member States on 1 May 2004, the period of validity of licences used for imports originating in the new Member States should be limited to 30 April 2004. A derogation should therefore be made from Article 16(3) of Regulation (EC) No 2535/2001.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1787/2003 (O J L 270, 21.10.2003, p. 121).

<sup>(2)</sup> OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 2012/2003 (O J L 297, 15.11.2003, p. 19).

<sup>(3)</sup> OJ L 152, 22.6.2003, p. 22.

- (7) The allocation of the quota for butter falling within Chapter III of Regulation (EC) No 2535/2001 in six-month tranches affects the rhythm of issue of IMA 1 certificates by the issuing body of the third country concerned. To enable the competent authorities of these countries and interested operators to take note of this amendment before it enters into force, and in compliance with the Community's international commitments, an adequate deadline should be laid down between publication and the date on which the allocation of the above quota takes effect. Moreover, since issuing bodies in third countries have been able to issue IMA 1 certificates for 2004 since 1 November 2003, the issue of import licences for all IMA 1 certificates issued up to the day before the day on which the allocation of the quota takes effect should be authorised.
- (8) Regulation (EC) No 2535/2001 should therefore be amended and derogated from.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

3. Annex I is amended as follows:
- (a) Part I.A is replaced by the text in Annex I to this Regulation.
- (b) In Part I.B, points 5, 6 and 10 are replaced by the text in Annex II to this Regulation.
- (c) Parts I.F and I.H are replaced by the text in Annex III to this Regulation;
4. in Annex III.A, the details relating to quota number 09.4589 are replaced by the text in Annex IV to this Regulation;
5. in Annex XII, the details relating to the issuing body for New Zealand are replaced by the following:

Name	Location
New Zealand Food Safety Authority	South Tower 68-86 Jervois Quay PO Box 2835 Wellington New Zealand Telephone: (64-4) 463 2500 Fax: (64-4) 463 2501

6. Annex XIII is replaced by the text in Annex V to this Regulation.

HAS ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 2535/2001 is hereby amended as follows:

1. Article 24(2) is replaced by the following:
- '2. Annex III to this Regulation sets out the duties to be applied and, in the case of imports as referred to in paragraph 1(a), the maximum quantities to be imported by quota period.'
2. the following subparagraph is added to Article 26(2):
- 'However, for quota number 09.4589, IMA 1 certificates may be issued:
- (a) from 1 November each year, valid from the following 1 January, for quantities not exceeding the maximum quantity for the first quota period of that year, as referred to in Annex III.A. However, import licence applications may be lodged only from the first working day of January;
- (b) from 1 May each year, valid from the following 1 July, for the remaining quantities of the annual quantity of the quota, as referred to in Annex III.A. However, import licence applications may be lodged only from the first working day of July.'

#### Article 2

By derogation from Article 16(3) of Regulation (EC) No 2535/2001, the period of validity of licences shall expire on 30 April 2004 for:

- (a) imports under the quotas referred to points 1 to 4 and 7 to 10 of Annex I.B;
- (b) imports originating in the new Member States under the quotas referred to in Annex I.A.

#### Article 3

By derogation from Articles 24(2) and 26(2), for 2004, for quota number 09.4589, import licences may be issued on presentation of IMA 1 certificates issued up to the day before the day on which the provisions referred to in points 1 and 2 of Article 1 enter into application.

#### Article 4

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Points 1, 2 and 4 of Article 1, and Article 3, shall apply from the 21st day following the day of publication of this Regulation in the *Official Journal of the European Union*.

Points 3, 5 and 6 of Article 1, and Article 2, shall apply from 1 January 2004.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 January 2004.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## ANNEX I

## I.A

## TARIFF QUOTAS NOT SPECIFIED BY COUNTRY OF ORIGIN

Quota number	CN code	Description (1)	Country of origin	Annual quota	Quota from 1 January to 30 April 2004	Quota from 1 May to 30 June 2004	Import duty (EUR/100 kg net weight)
09.4590	0402 10 19	Skimmed-milk powder	All third countries	68 000	22 667	11 333	47,50
09.4599	0405 10 11 0405 10 19 0405 10 30 0405 10 50 0405 10 90 0405 90 10 (*) 0405 90 90 (*)	Butter and other fats and oils derived from milk	All third countries	10 000	3 333	1 667	94,80
				in butter equivalent			
09.4591	ex 0406 10 20 ex 0406 10 80	Pizza cheese, frozen, cut into pieces each weighing not more than 1 gram, in containers with a net content of 5 kg or more, of a water content, by weight, of 52 % or more, and a fat content by weight in the dry matter of 38 % or more	All third countries	5 300	1 767	883	13,00
09.4592	ex 0406 30 10	Processed Emmentaler	All third countries	18 400	6 133	3 067	71,90
	0406 90 13	Emmentaler					85,80
09.4593	ex 0406 30 10	Processed Gruyère	All third countries	5 200	1 733	867	71,90
	0406 90 15	Gruyère, Sbrinz					85,80
09.4594	0406 90 01	Cheese for processing (2)	All third countries	20 000	6 667	3 333	83,50
09.4595	0406 90 21	Cheddar	All third countries	15 000	5 000	2 500	21,00

Quota number	CN code	Description (*)	Country of origin	Annual quota	Quota from 1 January to 30 April 2004	Quota from 1 May to 30 June 2004	Import duty (EUR/100 kg net weight)
09.4596	ex 0406 10 20	Fresh (unripened or uncured) cheese, including whey cheese, and curd, other than pizza cheese of quota number 09.4591	All third countries	19 500	6 500	3 250	92,60
	ex 0406 10 80						106,40
	0406 20 90	Other grated or powdered cheese					94,10
	0406 30 31	Other processed cheese					69,00
	0406 30 39						71,90
	0406 30 90						102,90
	0406 40 10 0406 40 50 0406 40 90	Blue-veined cheese					70,40
	0406 90 17	Bergkäse and Appenzell					85,80
	0406 90 18	Fromage Fribourgeois, Vacherin Mont d'Or and Tête de Moine					75,50
	0406 90 23	Edam					
	0406 90 25	Tilsit					
	0406 90 27	Butterkäse					
	0406 90 29	Kashkaval					
	0406 90 31	Feta, of sheep's milk or buffalo milk					
	0406 90 33	Feta, other					
	0406 90 35	Kefalo-Tyri					
	0406 90 37	Finlandia					
0406 90 39	Jarlsberg						
0406 90 50	Cheese of sheep's milk or buffalo milk						
ex 0406 90 63	Pecorino	94,10					
0406 90 69	Other						
0406 90 73	Provolone	75,50					
ex 0406 90 75	Caciocavallo						
ex 0406 90 76	Danbo, Fontal, Fynbo, Havarti, Maribo, Samsø						
0406 90 78	Gouda						

Quota number	CN code	Description <sup>(1)</sup>	Country of origin	Annual quota	Quota from 1 January to 30 April 2004	Quota from 1 May to 30 June 2004	Import duty (EUR/100 kg net weight)
09.4596 (cont'd)	ex 0406 90 79	Esrom, Italice, Kernhem, Saint-Paulin Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey					
	ex 0406 90 81						
	0406 90 82						
	0406 90 84						
	0406 90 86						
	0406 90 87						
0406 90 88	Exceeding 62 % but not exceeding 72 %						
0406 90 93	Exceeding 72 %						
0406 90 99	Other						
							92,60
							106,40

(\*) 1 kg product = 1,22 kg butter.

(1) Irrespective of the rules for the interpretation of the Combined Nomenclature, the wording of the product description must be considered to have merely indicative value, since the applicability of the preferential arrangements is determined in the context of this Annex by the scope of the CN code. Where ex CN codes are indicated, the applicability of the preferential scheme is determined on the basis of the CN code and the corresponding description taken jointly.

(2) The cheeses referred to are considered as processed when they have been processed into products falling within subheading 0406 30 of the Combined Nomenclature. Articles 291 to 300 of Regulation (EEC) No 2454/93 apply.



## ANNEX II

## I.B

## 5. Products originating in Romania

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Quantities (tonnes)			
				Annual Quota	Quantities from 1.1.2004 to 30.4.2004	Quantities from 1.5.2004 to 30.6.2004	Annual increase from 1 July 2004
09.4758	0406	Cheese and curd <sup>(2)</sup>	Free	2 600	867	433	200

## 6. Products originating in Bulgaria

Quota number	CN code	Description <sup>(1)</sup>	Applicable duty (% of MFN)	Quantities (tonnes)			
				Annual Quota	Quantities from 1.1.2004 to 30.4.2004	Quantities from 1.5.2004 to 30.6.2004	Annual increase from 1 July 2004
09.4675	0403 10 11 0403 10 13 0403 10 19 0403 10 31 0403 10 33 0403 10 39		Free	500	167	83	0
09.4660	0406	Cheese and curd <sup>(2)</sup>	Free	6 400	2 133	1 067	300

## 10. Products originating in Slovenia

Quota number	CN code	Description <sup>(1)</sup> <sup>(2)</sup>	Applicable duty (% of MFN)	Annual quantities (tonnes)		2004 quantities (tonnes)
				From 1.1.2003	Quantities opened in 2003	Opened in January 2004
09.4086	0402 10 0402 21		20 %	1 500	1 500	750
09.4087	0403 10		20 %	750	750	375
09.4088	0406 90		Free	600	450	450 (= 300 + 150)'

## ANNEX III

## I.F

## TARIFF QUOTAS UNDER ANNEXES II AND III TO THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND SWITZERLAND ON TRADE IN AGRICULTURAL PRODUCTS

Quota number	CN code	Description	Customs duty	Quantities of quotas				
				2003/2004 quota				2004 and following from 1 July to 30 June
				Total	from 1.7 to 31.12.2003	from 1.1 to 30	from 1.5 to 30.6.2004	
09.4155	ex 0401 30 0403 10	Cream, of a fat content by weight exceeding 6 % Yoghurt	} exemption	2 000	1 000	667	333	2 000

Quota number	CN code	Description	Customs duty	Quantities of quotas							
				2003/2004 quota				2004	2005	2006	from 1.6.2007
				Total	from 1.7. to 31.12.2003	from 1.1. to 30.4.2004	from 1.5. to 30.6. 2004	from 1 July to 30 June		from 1 July to 31 May	
09.4156	ex 0406	Cheeses other than those referred to in Annex II.D	exemption	4 250	2 125	1 417	708	5 500	6 750	7 646	unlimited

## I.H

## TARIFF QUOTAS UNDER ANNEX I TO THE AGREEMENT WITH THE KINGDOM OF NORWAY

in tonnes

Quota number	CN code	Description (1)	Customs duty	Quota				
				annual	six-monthly	2003/2004		
						six-monthly from 1 July to 31 December 2003	from 1 January to 30 April 2004	from 1 May to 30 June 2004
09.4781	ex 0406 90 23 0406 90 39 ex 0406 90 78 0406 90 86 0406 90 87 0406 90 88	Norwegian Edam Jarlsberg Norwegian Gouda Other cheeses	} exemption	3 467	1 733,5	1 733,5	1 155,7	577,8

Quota number	CN code	Description <sup>(1)</sup>	Customs duty	Quota				
				annual	six-monthly	2003/2004		
						six-monthly from 1 July to 31 December 2003	from 1 January to 30 April 2004	from 1 May to 30 June 2004
09.4782	0406 10	Fresh cheeses	exemption	533	266,5	266,5	177,7	88,8

<sup>(1)</sup> Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the preferential arrangements being determined, within the context of this Annex, by the coverage of the CN codes.

## ANNEX IV

Quota number	CN code	Description	Country of origin	Annual quota from January to December (quantities in tonnes)	Maximum quota January — June (quantities in tonnes)	Import duty (EUR/100 kg net weight)	Rules for completing IMA 1 certificates
'09.4589	ex 0405 10 11 ex 0405 10 19  ex 0405 10 30	Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 82 % manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process  Butter, at least six weeks old, of a fat content by weight of not less than 80 % but less than 82 %, manufactured directly from milk or cream without the use of stored materials, in a single, self-contained and uninterrupted process which may involve the cream passing through a stage where the butterfat is concentrated and/or fractionated (the processes referred to as "Ammix" and "Spreadable")	New Zealand	76 667	42 167	86,88	See Annex IV'

## ANNEX V

## 'ANNEX XIII

CN code	Description <sup>(1)</sup>	Dry matter content by weight (%)	Fat content by weight (%) in the dry matter	Fat content by weight (%)
0406 10 20	Fresh cheese	58	71	
0406 30	Processed cheese	—	56	—
0406 90 01	Cheese for processing	65	52	
0406 90 13	Emmentaler	65	48	
0406 90 21	Cheddar	65	52	
0406 90 23	Edam	58	44	
0406 90 69	Hard cheeses	65	40	
0406 90 78	Gouda	59	50	
0406 90 81	Cantal, Cheshire, Wensleydale, etc...	64	52	
0406 90 99	Other cheeses			42

<sup>(1)</sup> Despite the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only.'

**COMMISSION REGULATION (EC) No 51/2004**  
**of 12 January 2004**  
**concerning applications for export licences for rice and broken rice with advance fixing of the refund**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 411/2002 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1342/2003 of 28 July 2003, laying down special detailed rules for the application of the system of import and export licences for cereals and rice <sup>(3)</sup>, and in particular the second subparagraph of Article 8(3) thereof,

Whereas:

- (1) Article 8(3) of Regulation (EC) No 1342/2003 provides, where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported. Commission Regulation (EC) No 30/2004 <sup>(4)</sup> fixes refunds under the procedure provided for in the abovementioned paragraph for 2 000 tonnes for the destination R01 defined in the Annex to that Regulation.

- (2) For the destination R01, quantities applied for on 9 January 2004 are in excess of the available quantity. A percentage reduction should therefore be fixed for export licence applications submitted on 9 January 2004.
- (3) In view of its purpose, this Regulation should take effect from the day of its publication in the Official Journal,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the destination R01 defined in the Annex to Regulation (EC) No 30/2004, applications for export licences for rice and broken rice with advance fixing of the refund submitted pursuant to that Regulation on 9 January 2004 shall give rise to the issue of licences for the quantities applied for to which a percentage reduction of 44,36 % has been applied.

*Article 2*

For the destination R01 defined in the Annex to Regulation (EC) No 30/2004, applications for export licences for rice and broken rice submitted from 10 January 2004 shall not give rise to the issue of export licences pursuant to that Regulation.

*Article 3*

This Regulation shall enter into force on 13 January 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 January 2004.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 62, 5.3.2002, p. 27.

<sup>(3)</sup> OJ L 189, 29.7.2003, p. 12.

<sup>(4)</sup> OJ L 5, 9.1.2004, p. 61.

**COMMISSION REGULATION (EC) No 52/2004**  
**of 12 January 2004**  
**amending the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1104/2003 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 1110/2003 <sup>(4)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 2348/2003 <sup>(5)</sup>, as amended by Regulation (EC) No 2/2004 <sup>(6)</sup>.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2348/2003,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to the amended Regulation (EC) No 2348/2003 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 13 January 2004.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 January 2004.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 158, 27.6.2003, p. 12.

<sup>(5)</sup> OJ L 346, 31.12.2003, p. 54.

<sup>(6)</sup> OJ L 1, 3.1.2004, p. 17.

## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92**

CN code	Description	Import duty <sup>(1)</sup> (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	19,11
1005 10 90	Maize seed other than hybrid	42,14
1005 90 00	Maize other than seed <sup>(2)</sup>	42,14
1007 00 90	Grain sorghum other than hybrids for sowing	19,11

<sup>(1)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

<sup>(2)</sup> The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.



## ANNEX II

**Factors for calculating duties**

(period from 30 December 2003 to 9 January 2004)

## 1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	130,36 (****)	78,39	165,58 (***)	155,58 (***)	135,58 (***)	116,39
Gulf premium (EUR/t)	—	15,01	—	—	—	—
Great Lakes premium (EUR/t)	16,49	—	—	—	—	—

(\*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*\*) Fob Duluth.

(\*\*\*\*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

## 2. Averages over the two-week period preceding the day of fixing:

Freight/cost: Gulf of Mexico–Rotterdam: 25,87 EUR/t; Great Lakes–Rotterdam: 36,74 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)  
0,00 EUR/t (SRW2).

**COMMISSION REGULATION (EC) No 53/2004  
of 12 January 2004**

**amending Council Regulation (EC) No 747/2001 as regards the Community tariff quotas and reference quantities for certain agricultural products originating in Egypt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95 <sup>(1)</sup>, and in particular Article 5(1)(b) thereof,

Whereas:

- (1) Pending the completion of the procedure necessary for the ratification and entry into force of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States on the one part, and the Arab Republic of Egypt on the other part, signed on 25 June 2001, an Agreement in the form of an Exchange of Letters concerning the provisional application of the trade and trade-related provisions of the Euro-Mediterranean Association Agreement, hereinafter referred to as 'the provisional Agreement', has been concluded on 19 December 2003. The provisional Agreement applies from 1 January 2004.
- (2) The provisional Agreement will replace the relevant provisions in the Cooperation Agreement between the European Economic Community and the Arab Republic of Egypt signed on 18 January 1977 <sup>(2)</sup> and in the Agreement between the Member States of the European Coal and Steel Community and the Arab Republic of Egypt signed in Brussels on 18 January 1977 <sup>(3)</sup>.
- (3) In the provisional Agreement, for Community imports of certain agricultural products originating in Egypt tariff concessions are granted at a zero-rate of customs duty within the framework of tariff quotas.
- (4) For certain agricultural products for which the tariff concessions under the Cooperation Agreement have applied within reference quantities, the provisional Agreement provides for the exemption of customs duties within tariff quotas or for the exemption of customs duties for unlimited volumes.
- (5) To implement the tariff concessions provided for in the provisional Agreement, it is necessary to replace the Annex to Regulation (EC) No 747/2001 relating to tariff quotas and reference quantities for products originating in Egypt.
- (6) In accordance with the provisional Agreement, the volumes of the tariff quotas for certain products should, from the second year of application, be increased annually by 3 % of the volume of the previous year, and the volumes for the tariff quotas for other products should be fixed specifically for the first to the third and following years of application.
- (7) Regulation (EC) No 747/2001 should therefore be amended accordingly.
- (8) For the purpose of the calculation of the tariff quotas for the first year of application, it is appropriate to provide, in accordance with the provisional Agreement, that the volumes of the tariff quotas for which the quota period starts before the date of entry into force of the provisional Agreement, should be reduced by a proportion relative to that part of the period which has elapsed before that date.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex IV to Regulation (EC) No 747/2001 is replaced by the Annex to this Regulation.

*Article 2*

For the first year of application, the volumes of the Community tariff quotas with order numbers 09.1704, 09.1706, 09.1707, 09.1711, 09.1713, 09.1714, 09.1717, 09.1721 and 09.1725, for which the quota period starts before the date of entry into force of the provisional Agreement, shall be reduced by a proportion relative to that part of the period which has elapsed before that date.

*Article 3*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2004.

<sup>(1)</sup> OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Commission Regulation (EC) No 37/2004 (OJ L 6, 10.1.2004, p. 3).

<sup>(2)</sup> OJ L 266, 27.9.1978, p. 2.

<sup>(3)</sup> OJ L 316, 12.12.1979, p. 2.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 January 2004.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

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## ANNEX

## 'ANNEX IV

## EGYPT

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

## Tariff quotas

Order No	CN code	Description of goods	Quota period	Quota volume	Quota duty
09.1700	0601	Bulbs, tubers, tuberous roots, corms, crowns and rhizomes, dormant, in growth or in flower; chicory plants and roots other than roots of heading 1212	from 1.1 to 31.12	500 (!)	Exemption
09.1702	0602	Other live plants (including their roots), cuttings and slips; mushroom spawn	from 1.1 to 31.12	2 000 (!)	Exemption
09.1704	0603 10	Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	from 1.1 to 15.4.2004	1 615,385	Exemption
			for each period thereafter from 1.10 to 15.4	3 000	
		of which:		of which:	
09.1706	0603 10 80	Other fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	from 1.1 to 15.4.2004	538,462	Exemption
			for each period thereafter from 1.10 to 15.4	1 000	
09.1708	0604 99 90	Foliage, branches and other parts of plants, without flowers or flower buds, and grasses, dyed, bleached, impregnated or otherwise prepared	from 1.1 to 31.12	500 (!)	Exemption
09.1705	ex 0701 90 50	New potatoes, fresh or chilled	from 1.1 to 31.3.2004	130 000	Exemption
			from 1.1 to 31.3.2005	190 000	
			from 1.1 to 31.3.2006 and from 1.1 to 31.3 of following years	250 000	

Order No	CN code	Description of goods	Quota period	Quota volume	Quota duty
09.1710	0703 10	Onions and shallots, fresh or chilled	from 1.2 to 15.6	15 000 <sup>(1)</sup>	Exemption
09.1712	0703 20 00	Garlic, fresh or chilled	from 1.2 to 15.6	3 000 <sup>(1)</sup>	Exemption
09.1713	0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled	from 1.1 to 15.4.2004  for each period thereafter from 1.11 to 15.4	954,545  1 500 <sup>(3)</sup>	Exemption <sup>(2)</sup>
09.1714	0705 11 00	Cabbage lettuce (head lettuce), fresh or chilled	from 1.1 to 31.3.2004  for each period thereafter from 1.11 to 31.3	300  500 <sup>(4)</sup>	Exemption <sup>(2)</sup>
09.1715	0706 10 00	Carrots and turnips, fresh or chilled	from 1.1 to 30.4	500 <sup>(1)</sup>	Exemption
09.1716	0707 00	Cucumbers and gherkins, fresh or chilled	from 1.1 to 28/ 29.2	500 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1717	0708	Leguminous vegetables, shelled or unshelled, fresh or chilled	from 1.1 to 30.4.2004  from 1.11.2004 to 30.4.2005  from 1.11.2005 to 30.4.2006 and for each period thereafter from 1.11 to 30.4	10 000  17 500  20 000	Exemption <sup>(2)</sup>
09.1718	ex 0710 ex 0711	Frozen and provisionally preserved vegetables, excluding sweet corn of subheadings 0710 40 00 and 0711 90 30 and excluding mushrooms of the genus <i>Agaricus</i> of subheadings 0710 80 61 and 0711 51 00	from 1.1. to 31.12.2004  from 1.1 to 31.12.2005  from 1.1 to 31.12.2006 and for following years	1 000  2 000  3 000	Exemption
09.1719	0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared	from 1.1 to 31.12	16 000 <sup>(1)</sup>	Exemption
09.1720	0714 20	Sweet potatoes, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets	from 1.1 to 31.12	3 000 <sup>(1)</sup>	Exemption

Order No	CN code	Description of goods	Quota period	Quota volume	Quota duty
09.1707	0805 10	Oranges, fresh or dried	from 1.1 to 30.6.2004	25 000	Exemption <sup>(2)</sup>
			from 1.7.2004 to 30.6.2005	55 000	
			from 1.7.2005 to 30.6.2006 and for each period thereafter from 1.7 to 30.6	60 000	
		of which:		of which:	
09.1711	0805 10 10 0805 10 30 0805 10 50	Sweet oranges, fresh	from 1.1 to 31.5.2004	25 000 <sup>(5)</sup>	Exemption <sup>(6)</sup>
			for each period thereafter from 1.12 to 31.5	34 000 <sup>(5)</sup>	
09.1721	0807 19 00	Other melons, fresh	from 1.1 to 31.5.2004	666,667	Exemption
			for each period thereafter from 15.10 to 31.5	1 000 <sup>(7)</sup>	
09.1722	0808 20	Pears and quinces, fresh	from 1.1 to 31.12	500 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1723	0809 30	Peaches, including nectarines, fresh	from 15.3 to 31.5	500 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1724	0809 40	Plums and sloes, fresh	from 15.4 to 31.5	500 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1725	0810 10 00	Strawberries, fresh	from 1.1 to 31.3.2004	250	Exemption
			from 1.10.2004 to 31.3.2005	1 000	
			from 1.10.2005 to 31.3.2006 and for each period thereafter from 1.10 to 31.3	1 500	

Order No	CN code	Description of goods	Quota period	Quota volume	Quota duty
09.1726	0811 0812	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter, or provisionally preserved, but unsuitable in that state for immediate consumption	from 1.1 to 31.12.2004	1 000	Exemption <sup>(2)</sup>
			from 1.1. to 31.12.2005	2 000	
			from 1.1 to 31.12.2006 and for following years	3 000	
09.1727	1515 50 11	Sesame oil, crude, for technical or industrial uses other than the manufacture of foodstuffs for human consumption <sup>(8)</sup>	from 1.1 to 31.12	1 000 <sup>(1)</sup>	Exemption
09.1728	1515 90	Other fixed vegetable fats and oils and their fractions, whether or not refined, but not chemically modified, other than linseed, maize (corn), castor, tung and sesame oils and their fractions	from 1.1 to 31.12	500 <sup>(1)</sup>	Exemption
09.1729	1703	Molasses resulting from the extraction or refining of sugar	from 1.1 to 31.12	350 000 <sup>(1)</sup>	Exemption
09.1730	2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter	from 1.1 to 31.12	1 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1771	2008 11	Groundnuts, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included	from 1.1 to 31.12	3 000 <sup>(1)</sup>	Exemption
09.1772	2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	from 1.1 to 31.12	1 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>

<sup>(1)</sup> From 1 January 2005, this quota volume shall be annually increased by 3 % of the volume of the previous year.

<sup>(2)</sup> The exemption applies only to the *ad valorem* duty.

<sup>(3)</sup> From 1 November 2004, this quota volume shall be increased annually by 3 % of the volume of the previous quota period. The first increase shall take place on the basis volume of 1 500 tonnes net weight.

<sup>(4)</sup> From 1 November 2004, this quota volume shall be increased annually by 3 % of the volume of the previous quota period. The first increase shall take place on the basis volume of 500 tonnes net weight.

<sup>(5)</sup> Within this tariff quota, the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, if the entry price is not less than 264/tonne, being the entry price agreed between the European Community and Egypt. If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs quota duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

<sup>(6)</sup> Also exemption of the *ad valorem* duty, in the framework of this tariff quota.

<sup>(7)</sup> From 15 October 2004, this quota volume shall be increased annually by 3 % of the volume of the previous quota period. The first increase shall take place on the basis volume of 1 000 tonnes net weight.

<sup>(8)</sup> Entry under this subheading is subject to the conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) and subsequent amendments).

**COMMISSION REGULATION (EC) No 54/2004  
of 12 January 2004**

**amending Council Regulation (EC) No 747/2001 as regards the Community tariff quotas and reference quantities for certain agricultural products originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95 <sup>(1)</sup>, and in particular Article 5(1)(b) thereof,

Whereas:

(1) An Agreement in the form of an Exchange of Letters has been concluded on 22 December 2003 between the European Community and the State of Israel concerning reciprocal liberalisation measures and the replacement of the Protocols Nos 1 and 2 to the EC-Israel Association Agreement. That new Agreement applies from 1 January 2004.

(2) The new Protocol No 1 concerning the arrangements applicable to imports into the Community of agricultural products originating in Israel, hereinafter 'the new Protocol No 1', provides for new tariff concessions and changes to the existing concessions laid down in Regulation (EC) No 747/2001, some of which fall within Community tariff quotas and reference quantities.

(3) To implement the tariff concessions provided for in the new Protocol No 1, it is necessary to amend Regulation (EC) No 747/2001.

(4) For the purpose of calculating tariff quotas for the first year of application, it should be provided that, where the quota period starts before the date on which the new Agreement enters into force, the tariff quota volumes are to be reduced in proportion to that part of the period which has already elapsed before that date.

(5) In order to facilitate the management of certain existing tariff quotas provided for in Regulation (EC) No 747/2001, the quantities imported within the framework of those quotas should be taken into account for charging on the tariff quotas opened in accordance with Regulation (EC) No 747/2001, as amended by this Regulation.

(6) In accordance with the new Protocol No 1, the tariff quota and references quantity volumes should be increased from 1 January 2004 to 1 January 2007, on the basis of four equal instalments, each corresponding to 3 % of those volumes.

(7) Since the provisions provided for in this Regulation should apply from the date of application of the new Agreement, it is appropriate for this Regulation to enter into force as soon as possible.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex VII to Regulation (EC) No 747/2001 is replaced by the Annex to this Regulation.

*Article 2*

For the quota periods still open on 1 January 2004, the quantities which pursuant to Regulation (EC) No 747/2001 have been put into free circulation in the Community within the tariff quotas with order numbers 09.1311, 09.1313, 09.1329, 09.1339 and 09.1341, shall be taken into account for charging on the tariff quotas laid down in Annex VII to Regulation (EC) No 747/2001, as amended by this Regulation.

*Article 3*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2004.

<sup>(1)</sup> OJ L 109, 19.4.2001, p. 2. Regulation as last amended by Regulation (EC) No 53/2004 (see page 24 of this Official Journal).



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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 January 2004.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

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## ANNEX

## ‘ANNEX VII

## ISRAEL

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the current regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

## PART A: Tariff quotas

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1302	0404 10		Whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter	from 1.1 to 31.12	800 <sup>(1)</sup>	Exemption
09.1306	0603 10		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	from 1.1 to 31.12	19 500 <sup>(1)</sup>	Exemption
09.1341	0603 10 80		Other fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	from 1.11.2003 to 15.4.2004	6 273	Exemption
				from 1.11.2004 to 15.4.2005	7 210	
				from 1.11.2005 to 15.4.2006	7 420	
				from 1.11.2006 to 15.4.2007	7 630	
				from 1.11.2007 to 15.4.2008 and for each period thereafter from 1.11 to 15.4	7 840	
09.1351	0603 90 00		Cut flowers and flower buds, dried, dyed, bleached, impregnated or otherwise prepared	from 1.1 to 31.12	100 <sup>(1)</sup>	Exemption
09.1309	ex 0701 90 50		New potatoes, fresh or chilled	from 1.1 to 31.3	30 000 <sup>(1)</sup>	Exemption
09.1304	0702 00 00	07	Tomatoes, fresh or chilled: — Cherry tomatoes	from 1.1 to 31.12	9 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>
				from 1.1 to 31.12	1 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1342		99	— Other	from 1.1 to 31.12	1 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1305	0703 90 00		Leeks and other alliaceous vegetables, fresh or chilled	from 1.1 to 31.12	1 500 <sup>(1)</sup>	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1335	0703 10 11 0703 10 19  ex 0709 90 90	50	Onions, including wild onions of the species <i>Muscari comosum</i> , fresh or chilled	from 15.2 to 15.5	1 500 <sup>(1)</sup>	Exemption
09.1311	ex 0704 90 90	20	Chinese cabbage, fresh or chilled	from 1.11.2003 to 31.3.2004	1 198	Exemption
				from 1.11.2004 to 31.3.2005	1 287,5	
				from 1.11.2005 to 31.3.2006	1 325	
				from 1.11.2006 to 31.3.2007	1 362,5	
				from 1.11.2007 to 31.3.2008 and for each period thereafter from 1.11 to 31.3	1 400	
09.1313	0705 11 00		Cabbage lettuce (head lettuce), fresh or chilled	from 1.11.2003 to 31.3.2004	336	Exemption <sup>(2)</sup>
				from 1.11.2004 to 31.3.2005	346,08	
				from 1.11.2005 to 31.3.2006	356,16	
				from 1.11.2006 to 31.3.2007	366,24	
				from 1.11.2007 to 31.3.2008 and for each period thereafter from 1.11 to 31.3	376,32	
09.1317	ex 0706 10 00	10	Carrots, fresh or chilled	from 1.1 to 30.4	6 832 <sup>(1)</sup>	Exemption
09.1308	0706 90 90		Salad beetroot, salsify, radishes and similar edible roots, fresh or chilled	from 1.1 to 31.12	2 000 <sup>(1)</sup>	Exemption
09.1321	ex 0709 40 00	10	Stick celery ( <i>Apium graveolens</i> , var. <i>dulce</i> ), fresh or chilled	from 1.1 to 30.4	13 000 <sup>(1)</sup>	Exemption
09.1303	0709 60 10		Sweet peppers, fresh or chilled	from 1.1 to 31.12	15 000 <sup>(1)</sup>	Exemption
09.1310	ex 0709 90 60	10	Sweetcorn, fresh	from 1.1 to 31.12	1 500 <sup>(1)</sup>	Exemption
09.1312	ex 0709 90 90	10, 20, 30, 40, 60, 90	Other fresh or chilled vegetables, other than wild onions of the species <i>Muscari comosum</i>	from 1.1 to 31.12	2 000 <sup>(1)</sup>	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1353	0710 40 00 2004 90 10		Sweetcorn, frozen	from 1.1 to 31.12	10 600	70 % of the specific duty
09.1354	0711 90 30 2001 90 30 2005 80 00		Sweetcorn, not frozen	from 1.1 to 31.12	5 400	70 % of the specific duty
09.1314	0711 90 50		Onions, provisionally preserved but unsuitable in that state for immediate consumption	from 1.1 to 31.12	300 <sup>(1)</sup>	Exemption
09.1316	0712 90 30  2002 90 91 2002 90 99		Dried tomatoes, whole, cut, sliced, broken or in powder, but not further prepared  Tomato powder with a dry matter content of more than 30 % by weight, prepared or preserved otherwise than by vinegar or acetic acid	from 1.1 to 31.12	700 <sup>(1)</sup>	Exemption
09.1318	0712 90 50  0712 90 90  0910 40 19  0910 40 90  0910 91 90  0910 99 99		Dried carrots, whole, cut, sliced, broken or in powder, but not further prepared  Other dried vegetables and mixtures of vegetables, whole, cut, sliced, broken or in powder, but not further prepared  Crushed or ground thyme  Bay leaves  Crushed or ground mixtures of different types of spices  Other crushed or ground spices	from 1.1 to 31.12	100 <sup>(1)</sup>	Exemption
09.1323	0805 10 10 0805 10 30 0805 10 50  ex 0805 10 80	10	Oranges, fresh	from 1.1 to 31.12	200 000 <sup>(1)</sup>	Exemption <sup>(2)</sup> <sup>(3)</sup>
09.1325	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	05 05 07, 37 05 05, 09	Mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids, fresh	from 1.1 to 31.12	21 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1345	ex 0805 20 10 ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	05 05 07, 37 05 05, 09	Mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids, fresh	from 15.3 to 30.9	14 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1315	ex 0805 50 10	10	Lemons, fresh	from 1.1 to 31.12	7 700 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1346	ex 0805 50 90	11, 19	Limes, fresh	from 1.1 to 31.12	1 000 <sup>(1)</sup>	Exemption
09.1327	0807 11 00		Watermelons, fresh	from 1.4 to 15.6	9 400 <sup>(1)</sup>	Exemption
09.1329	0807 19 00		Other melons, fresh	from 1.11.2003 to 31.5.2004	11 400	Exemption
				from 15.9.2004 to 31.5.2005	11 742	
				from 15.9.2005 to 31.5.2006	12 084	
				from 15.9.2006 to 31.5.2007	12 426	
				from 15.9.2007 to 31.5.2008 and for each period thereafter from 15.9 to 31.5	12 768	
09.1339	0810 10 00		Strawberries, fresh	from 1.11.2003 to 31.3.2004	2 600	Exemption
				from 1.11.2004 to 31.3.2005	2 678	
				from 1.11.2005 to 31.3.2006	2 756	
				from 1.11.2006 to 31.3.2007	2 834	
				from 1.11.2007 to 31.3.2008 and for each period thereafter from 1.11 to 31.3	2 912	
09.1320	0810 90 95		Other fresh fruits	from 1.1 to 31.12	500 <sup>(1)</sup>	Exemption
09.1337	ex 0812 90 20	10	Oranges, comminuted, provisionally preserved but unsuitable in that state for immediate consumption	from 1.1 to 31.12	10 000 <sup>(1)</sup>	Exemption
09.1322	0910 40 13		Thyme neither crushed nor ground, other than wild thyme	from 1.1 to 31.12	200 <sup>(1)</sup>	Exemption
09.1324	1602 31		Prepared or preserved meat or meat offal of turkeys	from 1.1 to 31.12	2 250 <sup>(1)</sup>	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1355	1704 90 30		White chocolate	from 1.1 to 31.12	100	70 % of the specific duty
09.1356	1806		Chocolate and other food preparations containing cocoa	from 1.1 to 31.12	2 500	85 % of the specific duty or of the agricultural component
09.1357	ex 1901 10 00  ex 1901 90 99  ex 2106 10 80  ex 2106 90 98	22, 26, 30, 34, 38, 42, 46, 50, 54, 58, 62, 66  14, 20, 52, 56, 80, 84  20  23, 27, 33, 37, 43, 47	Preparations for infant use, containing milk and milk products	from 1.1 to 31.12	100	70 % of the agricultural component
09.1358	1904		Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	from 1.1 to 31.12	200	70 % of the specific duty or of the agricultural component
09.1359	1905		Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	from 1.1 to 31.12	3 200	70 % of the specific duty or of the agricultural component
09.1326	2001 10 00		Cucumbers and gherkins, prepared or preserved by vinegar or acetic acid	from 1.1 to 31.12	200 <sup>(1)</sup>	Exemption
09.1307	2002 10 10		Peeled tomatoes, prepared or preserved otherwise than by vinegar or acetic acid	from 1.1 to 31.12	3 500 <sup>(1)</sup>	Exemption
09.1328	ex 2004 90 98  ex 0710 80 95	20  40	Carrots prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006  Carrots, uncooked or cooked by steaming or boiling in water, frozen	from 1.1 to 31.12	2 000 <sup>(1)</sup>	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1330	2005 90 80		Other vegetables, prepared or preserved otherwise than by vinegar or acetic acid, not frozen	from 1.1 to 31.12	1 300 <sup>(1)</sup>	Exemption
09.1332	ex 2008 30 59	30	Orange segments	from 1.1 to 31.12	1 000 <sup>(1)</sup>	Exemption
09.1334	ex 2008 30 59	41, 49	Oranges, other than segments and other than comminuted	from 1.1 to 31.12	1 000 <sup>(1)</sup>	Exemption
09.1349	ex 2008 40 71 ex 2008 50 71 ex 2008 70 71 ex 2008 92 74 ex 2008 92 78 ex 2008 99 67	10 10 10 13 30 30	Slices of apples, of pears, of apricots, of peaches and mixtures of sliced fruits, fried in oil	from 1.1 to 31.12	100 <sup>(1)</sup>	Exemption
09.1301	ex 2008 50 92 ex 2008 50 94	20 20	Apricot pulp, not containing added spirit, not containing added sugar, in immediate packings of a net content of 4,5 kg or more	from 1.1 to 31.12	180 <sup>(1)</sup>	Exemption
09.1350	2008 92 51 2008 92 59 2008 92 72 2008 92 74 2008 92 76 2008 92 78		Mixtures of fruit, not containing added spirit, containing added sugar	from 1.1 to 31.12	250 <sup>(1)</sup>	Exemption
09.1331	2009 11 11 2009 11 19 2009 11 91 2009 11 99 2009 12 00 2009 19 11 2009 19 19 2009 19 91 2009 19 98		Orange juice	from 1.1 to 31.12	46 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1333	ex 2009 11 11 ex 2009 11 19 ex 2009 11 91 ex 2009 11 99 ex 2009 12 00 ex 2009 19 11 ex 2009 19 19 ex 2009 19 91 ex 2009 19 98	10 10 10 11, 19 92, 94 10 11, 19 11, 19 11, 19 11, 19	of which: Orange juice imported in packings of a capacity of 2 l or less	from 1.1 to 31.12	19 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1319	2009 50		Tomato juice	from 1.1 to 31.12	10 200 <sup>(1)</sup>	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight)	Quota duty
09.1336	2009 61 2009 69		Grape juice, including grape must	from 1.1 to 31.12	2 000 <sup>(1)</sup>	Exemption <sup>(2)</sup>
09.1338	ex 2009 80 97	11, 91	Juice of guavas, of a Brix value not exceeding 67, not containing added sugar	from 1.1 to 31.12	100 <sup>(1)</sup>	Exemption
09.1340	ex 2009 80 99	11, 91	Prickle pear juice, of a Brix value not exceeding 67, not containing added sugar	from 1.1 to 31.12	100 <sup>(1)</sup>	Exemption
09.1360	ex 2009 90 59	30	Mixtures of citrus fruit juices with tropical juices and mixtures of citrus fruit juices, of a Brix value not exceeding 67, of a value exceeding EUR 30 per 100 kg net weight, not containing added sugar	from 1.1 to 31.12	1 500 <sup>(1)</sup>	Exemption
09.1352	2204 21 10 ex 2204 21 79 ex 2204 21 80 ex 2204 21 83 ex 2204 21 84 ex 2204 21 94 ex 2204 21 98 ex 2204 21 99	79, 80 79, 80 10, 79, 80 10, 79, 80 10, 30 10, 30 10	Wine of fresh grapes including fortified wines in containers holding 2 litres or less	from 1.1 to 31.12	3 610 hl <sup>(1)</sup>	Exemption

<sup>(1)</sup> This quota volume shall be increased from 1 January 2004 to 1 January 2007 by four equal annual instalments each corresponding to 3 % of this volume.

<sup>(2)</sup> The exemption applies only to the *ad valorem* duty.

<sup>(3)</sup> Within this tariff quota, and for the period from 1 December to 31 May, the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, if the entry price is not less than EUR 264/tonne, being the entry price agreed between the European Community and Israel. If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs quota duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

#### PART B: Reference quantities

Order No	CN code	TARIC subdivision	Description of goods	Reference quantity period	Reference quantity volume	Reference quantity duty
18.0060	0709 30 00		Aubergines (eggplants), fresh or chilled	from 1.12.2003 to 30.4.2004	1 440	Exemption
				from 1.12.2004 to 30.4.2005	1 483	
				from 1.12.2005 to 30.4.2006	1 526	
				from 1.12.2006 to 30.4.2007	1 570	
				from 1.12.2007 to 30.4.2008 and for each period thereafter from 1.12 to 30.4	1 613	
18.0120	0804 40 00		Avocados, fresh or dried	from 1.1 to 31.12	37 200 <sup>(1)</sup>	Exemption



Order No	CN code	TARIC subdivision	Description of goods	Reference quantity period	Reference quantity volume	Reference quantity duty
18.0150	0810 50 00		Kiwi fruit, fresh	from 1.1 to 30.4	240 <sup>(1)</sup>	Exemption
18.0160	ex 0812 90 99	11, 20	Other citrus fruit than oranges, comminuted, provisionally preserved	from 1.1 to 31.12	1 320 <sup>(1)</sup>	Exemption
18.0190	2008 30 51 2008 30 71		Grapefruit segments	from 1.1 to 31.12	16 440 <sup>(1)</sup>	Exemption
18.0215	ex 2008 30 79	11, 19	Grapefruit, other than segments	from 1.1 to 31.12	2 400 <sup>(1)</sup>	Exemption
18.0220	ex 2008 30 90	07, 09, 12, 13, 15, 16, 17, 18, 19, 20, 89, 91, 92, 93	Grapefruit, citrus fruit pulp and comminuted citrus fruits	from 1.1 to 31.12	8 480 <sup>(1)</sup>	Exemption
18.0240	2009 21 00 2009 29 11 2009 29 19 2009 29 99		Grapefruit juice	from 1.1 to 31.12	34 440 <sup>(1)</sup>	Exemption <sup>(2)</sup>

<sup>(1)</sup> This reference quantity shall be increased from 1 January 2004 to 1 January 2007 by four equal annual instalments each corresponding to 3% of this volume.

<sup>(2)</sup> The exemption applies only to the *ad valorem* duty.'

**DIRECTIVE 2003/107/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 5 December 2003**  
**amending Council Directive 96/16/EC on statistical surveys of milk and milk products**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure referred to in Article 251 of the Treaty <sup>(1)</sup>,

Whereas:

- (1) The purpose of Council Directive 96/16/EC <sup>(2)</sup> is to provide reliable and comparable data on milk production and use and reliable, regular, short-term information on milk deliveries to undertakings which treat or process milk and on the production of milk products in the Member States.
- (2) In view of the growing economic importance of the protein content of milk, it is becoming increasingly necessary to have statistical information on the protein content of the main milk products.
- (3) Specialisation in agriculture is increasing in general, and the milk sector, in particular, is currently undergoing regional specialisation which gives rise to enormous differences between the regions of a single Member State, requiring detailed information at regional level.
- (4) To guarantee comparability of results, methodological reports need to be compiled according to a standard format,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Council Directive 96/16/EC shall be amended as follows:

1. Article 4 shall be amended as follows:
  - (a) the following shall be added to paragraph 1(b):
    - (iv) the protein content of the main milk products, based on the measuring or estimating method most likely to guarantee reliable data;
    - (v) the quantity of cows' milk produced by agricultural holdings on a regional basis (territorial unit NUTS 2) according to the most appropriate measuring or estimating method for guaranteeing the reliability of the data.'

(b) paragraph 2 shall be deleted;

2. the last sentence of Article 5(2) shall be replaced by the following:

'Member States shall notify the Commission annually of the methodological information relating to the information referred to in Article 4(1), using a standard questionnaire drawn up by the Commission in accordance with the procedure laid down in Article 7.;

3. Article 6(3) shall be amended as follows:

(a) in point (b), the second indent shall be deleted;

(b) point (c) shall be replaced by the following:

'(c) in September of the year following the year of the reference date, the results referred to in point 2 of Article 1 and in points (b)(v) and (c) of Article 4(1).'

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2004. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

*Article 3*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 5 December 2003.

*For the European Parliament*  
*The President*  
 P. COX

*For the Council*  
*The President*  
 P. LUNARDI

<sup>(1)</sup> Opinion of the European Parliament of 2 September 2003 (not yet published in the Official Journal), and Council Decision of 17 November 2003.

<sup>(2)</sup> OJ L 78, 28.3.1996, p. 27.

**COUNCIL DIRECTIVE 2003/123/EC  
of 22 December 2003**

**amending Directive 90/435/EEC on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 94 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Whereas:

- (1) Directive 90/435/EEC <sup>(3)</sup> introduced common rules in relation to dividend payments and other profit distributions, which are intended to be neutral from the point of view of competition.
- (2) The objective of Directive 90/435/EEC is to exempt dividends and other profit distributions paid by subsidiary companies to their parent companies from withholding taxes and to eliminate double taxation of such income at the level of the parent company.
- (3) Experience gained in the implementation of Directive 90/435/EEC has revealed different ways in which that Directive might be improved and the beneficial effects of the common rules as adopted in 1990 extended.
- (4) Article 2 of Directive 90/435/EEC defines the companies falling within its scope. The Annex contains a list of companies to which the Directive applies. Certain forms of companies are not included in the list in the Annex, even though they are resident for tax purposes in a Member State and are subject to corporation tax there. The scope of Directive 90/435/EEC should therefore be extended to other entities which can carry out cross-border activities in the Community and which meet all the conditions laid down in that Directive.

- (5) On 8 October 2001 the Council adopted Regulation (EC) No 2157/2001 on the Statute for a European Company (SE) <sup>(4)</sup> and Directive 2001/86/EC supplementing the Statute for a European company with regard to the involvement of employees <sup>(5)</sup>. Similarly, on 22 July 2003 the Council adopted Regulation (EC) No 1435/2003 on the Statute for a European Cooperative Society (SCE) <sup>(6)</sup> and Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees <sup>(7)</sup>. Since the SE is a public limited-liability company and since the SCE is a cooperative society, both similar in nature to other forms of company already covered by Directive 90/435/EEC, the SE and the SCE should be added to the list set out in the Annex to Directive 90/435/EEC.

- (6) The new entities to be included in the list are corporate taxpayers in their Member State of residence but some are considered on the basis of their legal characteristics to be transparent for tax purposes by other Member States. Member States treating non-resident corporate taxpayers as fiscally transparent on this basis should grant the appropriate tax relief in respect of revenue which forms part of the tax base of the parent company.

- (7) In order to extend the benefits of Directive 90/435/EEC, the threshold of the shareholding for one company to be considered a parent and the other as its subsidiary should be gradually lowered from 25 % to 10 %.

- (8) The payment of profit distributions to, and their receipt by, a permanent establishment of a parent company should give rise to the same treatment as that applying between a subsidiary and its parent. This should include the situation where a parent company and its subsidiary are in the same Member State and the permanent establishment is in another Member State. On the other hand, it appears that situations where the permanent establishment and the subsidiary are situated in the same Member State, can, without prejudice to the application of the Treaty principles, be dealt with on the basis of national legislation by the Member State concerned.

- (9) In relation to the treatment of permanent establishments Member States may need to determine the conditions and legal instruments in order to protect the national tax revenue and fend off circumvention of national laws, in accordance with the Treaty principles and taking into account internationally accepted tax rules.

<sup>(1)</sup> Opinion delivered on 16 December 2003 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion delivered on 29 October 2003 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 225, 20.8.1990, p. 6. Directive as last amended by the 1994 Act of Accession.

<sup>(4)</sup> OJ L 294, 10.11.2001, p. 1.

<sup>(5)</sup> OJ L 294, 10.11.2001, p. 22.

<sup>(6)</sup> OJ L 207, 18.8.2003, p. 1.

<sup>(7)</sup> OJ L 207, 18.8.2003, p. 25.

- (10) When corporate groups are organised in chains of companies and profits are distributed through the chain of subsidiaries to the parent company, double taxation should be eliminated either by exemption or tax credit. In the case of tax credit the parent company should be able to deduct any tax paid by any of the subsidiaries in the chain provided that the requirements set out in Directive 90/435/EEC are met.
- (11) The transitional provisions are no longer applicable and should therefore be deleted.
- (12) Directive 90/435/EEC should therefore be amended accordingly,
- of the same Member State, held in whole or in part by a permanent establishment of the former company situated in another Member State;
- from 1 January 2007 the minimum holding percentage shall be 15 %;
- from 1 January 2009 the minimum holding percentage shall be 10 %;
- (b) "subsidiary" shall mean that company the capital of which includes the holding referred to in (a).;

4. Article 4 shall be amended as follows:

- (a) Paragraph 1 shall be replaced by the following:

'1. Where a parent company or its permanent establishment, by virtue of the association of the parent company with its subsidiary, receives distributed profits, the State of the parent company and the State of its permanent establishment shall, except when the subsidiary is liquidated, either:

- refrain from taxing such profits, or
- tax such profits while authorising the parent company and the permanent establishment to deduct from the amount of tax due that fraction of the corporation tax related to those profits and paid by the subsidiary and any lower-tier subsidiary, subject to the condition that at each tier a company and its lower-tier subsidiary meet the requirements provided for in Articles 2 and 3, up to the limit of the amount of the corresponding tax due.'

- (b) The following paragraph 1a shall be inserted:

'1 a. Nothing in this Directive shall prevent the State of the parent company from considering a subsidiary to be fiscally transparent on the basis of that State's assessment of the legal characteristics of that subsidiary arising from the law under which it is constituted and therefore from taxing the parent company on its share of the profits of its subsidiary as and when those profits arise. In this case the State of the parent company shall refrain from taxing the distributed profits of the subsidiary.

When assessing the parent company's share of the profits of its subsidiary as they arise the State of the parent company shall either exempt those profits or authorise the parent company to deduct from the amount of tax due that fraction of the corporation tax related to the parent company's share of profits and paid by its subsidiary and any lower-tier subsidiary, subject to the condition that at each tier a company and its lower-tier subsidiary meet the requirements provided for in Articles 2 and 3, up to the limit of the amount of the corresponding tax due.;

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 90/435/EEC is hereby amended as follows:

1. in Article 1(1) the following two indents shall be added:

- to distributions of profits received by permanent establishments situated in that State of companies of other Member States which come from their subsidiaries of a Member State other than that where the permanent establishment is situated,
- to distributions of profits by companies of that State to permanent establishments situated in another Member State of companies of the same Member State of which they are subsidiaries.'

2. in Article 2, the current paragraph shall be numbered '1.' and a new paragraph shall be added as follows:

'2. For the purposes of this Directive the term "permanent establishment" means a fixed place of business situated in a Member State through which the business of a company of another Member State is wholly or partly carried on in so far as the profits of that place of business are subject to tax in the Member State in which it is situated by virtue of the relevant bilateral tax treaty or, in the absence of such a treaty, by virtue of national law.'

3. in Article 3, paragraph 1 shall be replaced by the following:

'For the purposes of applying this Directive:

- (a) the status of parent company shall be attributed at least to any company of a Member State which fulfils the conditions set out in Article 2 and has a minimum holding of 20 % in the capital of a company of another Member State fulfilling the same conditions;

such status shall also be attributed, under the same conditions, to a company of a Member State which has a minimum holding of 20 % in the capital of a company

- (c) In paragraph 3, the first subparagraph shall be replaced by the following:  
'Paragraphs 1 and 1a shall apply until the date of effective entry into force of a common system of company taxation.'
5. Article 5 shall be amended as follows:
- (a) Paragraph 1 shall be replaced by the following:  
'Profits which a subsidiary distributes to its parent company shall be exempt from withholding tax.'
- (b) Paragraphs 2, 3 and 4 shall be deleted.;
6. the Annex shall be replaced by the text in the Annex to this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2005 at the latest.

When Member States adopt such measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive, together with a table showing how the provisions of this Directive correspond to the national provisions adopted.

*Article 3*

This Directive shall enter into force on the 20th day following the day of its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 22 December 2003.

*For the Council*  
*The President*  
A. MATTEOLI

## ANNEX

## LIST OF COMPANIES REFERRED TO IN ARTICLE 2(1)(A)

- (a) companies under Belgian law known as 'société anonyme'/naamloze vennootschap, 'société en commandite par actions'/commanditaire vennootschap op aandelen, 'société privée à responsabilité limitée'/besloten vennootschap met beperkte aansprakelijkheid, 'société coopérative à responsabilité limitée'/coöperatieve vennootschap met beperkte aansprakelijkheid, 'société coopérative à responsabilité illimitée'/coöperatieve vennootschap met onbeperkte aansprakelijkheid, 'société en nom collectif'/vennootschap onder firma, 'société en commandite simple'/gewone commanditaire vennootschap, public undertakings which have adopted one of the abovementioned legal forms, and other companies constituted under Belgian law subject to Belgian corporate tax;
- (b) companies under Danish law known as 'aktieselskab' and 'anpartsselskab'. Other companies subject to tax under the Corporation Tax Act, insofar as their taxable income is calculated and taxed in accordance with the general tax legislation rules applicable to 'aktieselskaber';
- (c) companies under German law known as 'Aktiengesellschaft', 'Kommanditgesellschaft auf Aktien', 'Gesellschaft mit beschränkter Haftung', 'Versicherungsverein auf Gegenseitigkeit', 'Erwerbs- und Wirtschaftsgenossenschaft', 'Betriebe gewerblicher Art von juristischen Personen des öffentlichen Rechts', and other companies constituted under German law subject to German corporate tax;
- (d) companies under Greek law known as 'ανώνυμη εταιρεία', 'εταιρεία περιορισμένης ευθύνης (Ε.Π.Ε.)' and other companies constituted under Greek law subject to Greek corporate tax;
- (e) companies under Spanish law known as: 'sociedad anónima', 'sociedad comanditaria por acciones', 'sociedad de responsabilidad limitada', public law bodies which operate under private law. Other entities constituted under Spanish law subject to Spanish corporate tax ('Impuesto sobre Sociedades');
- (f) companies under French law known as 'société anonyme', 'société en commandite par actions', 'société à responsabilité limitée', 'sociétés par actions simplifiées', 'sociétés d'assurances mutuelles', 'caisses d'épargne et de prévoyance', 'sociétés civiles' which are automatically subject to corporation tax, 'coopératives', 'unions de coopératives', industrial and commercial public establishments and undertakings, and other companies constituted under French law subject to French corporate tax;
- (g) companies incorporated or existing under Irish law, bodies registered under the Industrial and Provident Societies Act, building societies incorporated under the Building Societies Acts and trustee savings banks within the meaning of the Trustee Savings Banks Act, 1989;
- (h) companies under Italian law known as 'società per azioni', 'società in accomandita per azioni', 'società a responsabilità limitata', 'società cooperative', 'società di mutua assicurazione', and private and public entities whose activity is wholly or principally commercial;
- (i) companies under Luxembourg law known as 'société anonyme', 'société en commandite par actions', 'société à responsabilité limitée', 'société coopérative', 'société coopérative organisée comme une société anonyme', 'association d'assurances mutuelles', 'association d'épargne-pension', 'entreprise de nature commerciale, industrielle ou minière de l'État, des communes, des syndicats de communes, des établissements publics et des autres personnes morales de droit public', and other companies constituted under Luxembourg law subject to Luxembourg corporate tax;
- (j) companies under Dutch law known as 'naamloze vennootschap', 'besloten vennootschap met beperkte aansprakelijkheid', 'Open commanditaire vennootschap', 'Coöperatie', 'onderlinge waarborgmaatschappij', 'Fonds voor gemene rekening', 'vereniging op coöperatieve grondslag', 'vereniging welke op onderlinge grondslag als verzekeraar of kredietinstelling optreedt', and other companies constituted under Dutch law subject to Dutch corporate tax;
- (k) companies under Austrian law known as 'Aktiengesellschaft', 'Gesellschaft mit beschränkter Haftung', 'Versicherungsvereine auf Gegenseitigkeit', 'Erwerbs- und Wirtschaftsgenossenschaften', 'Betriebe gewerblicher Art von Körperschaften des öffentlichen Rechts', 'Sparkassen', and other companies constituted under Austrian law subject to Austrian corporate tax;
- (l) commercial companies or civil law companies having a commercial form and cooperatives and public undertakings incorporated in accordance with Portuguese law;
- (m) companies under Finnish law known as 'osakeyhtiö/aktiebolag', 'osuuskunta/andelslag', 'säästöpankki/sparbank' and 'vakuutusyhtiö/försäkringsbolag';
- (n) companies under Swedish law known as 'aktiebolag', 'försäkringsaktiebolag', 'ekonomiska föreningar', 'sparbanker', 'ömsesidiga försäkringsbolag';
- (o) companies incorporated under the law of the United Kingdom;
- (p) companies incorporated under Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) and Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees and cooperative societies incorporated under Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) and Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees.

**COMMISSION DIRECTIVE 2004/1/EC**  
**of 6 January 2004**  
**amending Directive 2002/72/EC as regards the suspension of the use of azodicarbonamide as**  
**blowing agent**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs<sup>(1)</sup>, and in particular Article 3 thereof,

Whereas:

- (1) Commission Directive 2002/72/EC of 6 August 2002 relating to plastic materials and articles intended to come into contact with foodstuffs<sup>(2)</sup> authorises the use of azodicarbonamide as a blowing agent in plastic materials and articles intended to come into contact with foodstuffs in accordance with the opinion of the Scientific Committee on Food (SCF).
- (2) Azodicarbonamide is used as blowing agent in the manufacture of plastic gaskets in metal lids used for the closure of glass jars. New findings have shown that azodicarbonamide decomposes into semicarbazide (SEM) when heated during production of the foamed gasket and during sterilisation of the sealed glass jar.
- (3) On 8 July 2003 the European Food Safety Authority (hereinafter called 'the Authority') was informed by industry that SEM had been found in a number of foods contained in glass jars. The levels of SEM in these foods were variable (up to 25 µg/kg), with the highest concentrations found in baby foods.
- (4) Based on the existing scientific data, including recent research commissioned by the Authority, the Scientific Panel on food additives, flavourings, processing aids and materials in contact with food (hereinafter called 'the Panel') concluded, in its statement of 1 October 2003, that SEM has a weak carcinogenic activity in laboratory animals and weak genotoxicity *in vitro* but that it was not possible according to the current scientific knowledge to conclude whether SEM poses a carcinogenic risk to humans.
- (5) An ad hoc expert group was specifically commissioned by the Authority to advise further on possible risks to infants, the consumer group for which potential expo-

sure to SEM per body weight is likely to be the highest. In evaluating the possible consequences of SEM in baby foods, the expert group reviewed toxicological aspects alongside microbiological and nutritional considerations.

- (6) On 9 October 2003 they advised that, taking into account the current available information on the levels of SEM in food, intake and toxicology, the risk to both infants and adults eating foods containing SEM was probably very small. However, the Panel stated that the presence of SEM in baby food was undesirable and recommended that it would be prudent to reduce exposure to SEM as swiftly as technological progress safely allows.
- (7) Considering the conclusions of the Panel and the ad hoc expert group and the remaining scientific uncertainties it is appropriate, in order to achieve the high level of health protection chosen in the Community, to suspend the use of azodicarbonamide in accordance with the precautionary principle referred to in Article 7 of Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>(3)</sup> (Food law). The suspension of azodicarbonamide from the incomplete list of additives fully harmonised at Community level should apply while the Community seeks more complete information from any source, which could clarify the gaps in the present state of knowledge of SEM.
- (8) The Commission has been informed that alternatives for azodicarbonamide will become available in the near future. With respect to the possible replacement of azodicarbonamide in packaging materials for baby foods, it is critical that careful consideration and evaluation of seal integrity be carried out prior to their introduction in order not to compromise the microbiological safety of the food. It is therefore necessary to provide for a transitional period of 18 months to allow such evaluation to be carried out over a time period, which takes account of the minimum shelf-life for such packaged foods.
- (9) A transitional period should also be provided for in respect of materials and articles which are brought into contact with foodstuffs before the deadline for implementation of this Directive.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 38. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 220, 15.8.2002, p. 18.

<sup>(3)</sup> OJ L 31, 1.2.2002, p. 1. Regulation as amended by Regulation (EC) No 1642/2003 (OJ L 245, 29.9.2003, p. 4).

- (10) This transitional period should also take into account the requirements of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs<sup>(1)</sup>.
- (11) Directive 2002/72/EC should therefore be amended accordingly.
- (12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

As regards the additive azodicarbonamide with reference number 36640 the text in column 4 of Section A of Annex III to Directive 2002/72/EC is replaced by the following:

'For use only as blowing agent. Use prohibited as from 2 August 2005.'

*Article 2*

1. Member States shall adopt and publish, by 2 August 2005 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

2. Member States shall apply the provisions referred to in paragraph 1 from 2 August 2005 in such a way as to prohibit the placing on the market and importation into the Community of plastic materials and articles intended to come into contact with foodstuffs and which do not comply with this Directive.

However, materials and articles filled before 2 August 2005 may continue to be placed on the market provided that the date of filling appears on the materials and articles. The date of filling may be replaced by another indication, provided that that indication permits the identification of the date of filling. Upon request the date of filling shall be made available to the competent authorities and any person enforcing the requirements of this Directive.

The first and second subparagraphs shall apply without prejudice to the requirements of Directive 2000/13/EC.

When Member States adopt the provisions referred to in paragraph 1, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 6 January 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

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<sup>(1)</sup> OJ L 109, 6.5.2000, p. 29. Directive as last amended by Directive 2003/89/EC (OJ L 308, 25.11.2003, p. 15.)



## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 6 January 2004

amending Decision 2003/828/EC with regards to the movements of vaccinated animals from protection zones

(notified under document number C(2003) 5306)

(Text with EEA relevance)

(2004/34/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue <sup>(1)</sup>, and in particular, Article 9 (1)(c), thereof,

Whereas:

(1) Commission Decision 2003/828/EC <sup>(2)</sup> on protection and surveillance zones in relation to bluetongue and on rules applicable to movements of animals in and from those zones and repealing Decision 2003/218/EC <sup>(3)</sup>, was adopted in the light of the bluetongue situation prevailing in the affected regions. That Decision demarcates protection and surveillance zones corresponding to specific epidemiological situations and lays down the conditions for providing exemptions from the ban on the movements of animals in and from those zones.

(2) A Symposium on bluetongue has been organised by the Office International des Epizooties (OIE — World Organisation for Animal Health) on 26 to 29 October 2003. One of the conclusions of this Symposium was that animals may move from an infected zone to a free zone without posing a risk of virus spread if they have been vaccinated at least one month prior to movement, provided that the vaccine used covers all serotypes present in the region of origin.

(3) Taking into account this conclusion, conditions for movements of vaccinated animals provided in Decision 2003/828/EC should be amended in order to allow such movements without requiring the cessation of the virus circulation in the region of origin or of the vector activity in the region of destination. Nevertheless as a precaution, this will be considered only for domestic movements from areas where the vaccination has been completed according to the programme adopted by the competent authority of the Member State concerned.

(4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Article 3(2) of Decision 2003/828/EC is replaced by the following:

‘2. In France, Italy and Spain, domestic dispatches as provided for in paragraph 1 shall be also exempted from the exit ban by the competent authority:

(a) for the areas where the vaccination has been completed according to the programme adopted by the competent authority of the Member State concerned, as identified in Annex I, if animals have been vaccinated more than 30 days and less than a year before the date of dispatch against the serotype(s) circulating in an epidemiologically relevant area of origin.

<sup>(1)</sup> OJ L 327, 22.12.2000, p. 74.

<sup>(2)</sup> OJ L 311, 27.11.2003, p. 41.

<sup>(3)</sup> OJ L 82, 29.3.2003, p. 35.

(b) for the areas where the vaccination has not been completed according to the programme adopted by the competent authority of the Member State concerned, as identified in Annex I if animals have been vaccinated in compliance with paragraph (a) and if, in addition:

- (i) the surveillance programme in an epidemiologically relevant area of origin has proved the cessation of bluetongue virus circulation for more than 60 days before date of dispatch; or
- (ii) the vector surveillance programme in an epidemiologically relevant area of destination has proved the cessation of adult *Culicoides* activity.'

*Article 2*

Annex I to Decision 2003/828/EC is replaced by the text in the Annex to this Decision.

*Article 3*

This Decision shall apply from 2 February 2004.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 6 January 2004.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

## 'ANNEX I

**(Restricted zones: geographic areas where protection and surveillance zones shall be established by the Member States)**

***Zone A (serotypes 2 and 9, and in a lesser extent 4 and 16)***

**Areas where Article 3(2)(a) is applicable**

Sicilia:	Ragusa, Enna
Molise:	Isernia, Campobasso
Abruzzo:	Chieti, all Municipalities belonging to the Local Health Unit of Avezzano-Sulmona
Lazio:	Frosinone, Latina
Campania:	all Municipalities belonging to the Local Health Unit of Caserta 1
Basilicata:	Matera, and Potenza( with the exception of all the Municipalities belonging to the Local Health Unit of Venosa)

**Areas where Article 3(2)(a) is not applicable**

Sicilia:	Agrigento, Catania, Caltanissetta, Palermo, Messina, Siracusa e Trapani
Calabria:	Catanzaro, Cosenza, Crotona, Reggio Calabria, Vibo Valentia
Basilicata:	Potenza (all Municipalities belonging to the Local Health Unit of Venosa)
Puglia:	Foggia, Bari, Lecce, Taranto, Brindisi
Campania:	Caserta (with the exception of all Municipalities belonging to the Local Health Unit of Caserta 1), Benevento, Avellino, Napoli, Salerno.

***Zone B (serotype 2)***

**Areas where Article 3(2)(a) is applicable**

Lazio:	Viterbo, Roma, Rieti (Municipalities of Ascrea, Belmonte in Sabina, Cantalupo in Sabina, Casaprota, Casperia, Castel di Tora, Castelnuovo di Farfa, Colle di Tora, Collevicchio, Concerviano, Configni, Contigliano, Cottanello, Fara in Sabina, Forano, Frasso, Abino, Greccio, Longone Sabino, Magliano Sabina, Mompeo, Montasola, Montebuono, Monteleone Sabino, Montenero Sabino, Monte San Giovanni in Sabina, Montopoli di Sabina, Orvinio, Poggio Catino, Poggio Mirteto, Poggio Moiano, Poggio Nativo, Poggio San Lorenzo, Pozzaglia Sabina, Rieti, Roccantica, Rocca Sinibalda, Salisano, Scandriglia, Selci, Stimigliano, Tarano, Toffia, Torricella in Sabina, Torri in Sabina, Vacone).
Toscana:	Massa Carrara, Pisa, Grosseto, Livorno
Umbria:	Terni

**Areas where Article 3(2)(a) is not applicable**

Abruzzo:	L'Aquila with the exception of all Municipalities belonging to the Local Health Unit of Avezzano-Sulmona
Lazio:	Rieti (Municipalities of Accumoli, Amatrice, Antrodoco, Borbona, Borgorose, Borgo Velino, Cantalice, Castel Sant'angelo, Cittaducale, Cittareale, Collalto Sabino, Collegiove, Colli sul Velino, Fiamignano, Labro, Leonessa, Marcellino, Micigliano, Morro Reatino, Nespole, Paganico, Pescorocchiano, Petrella Salto, Poggio Bustone, Posta, Rivodutri, Turania, Varco Sabino).
Umbria:	Perugia
Marche:	Ascoli Piceno, Macerata.

***Zone C (serotypes 2 and 4)***

**Areas where Article 3(2)(a) is applicable**

France:	Corse du sud, Haute Corse
Spain:	Islas Baleares

**Areas where Article 3(2)(a) is not applicable***Italy:*

Sardinia: Cagliari, Nuoro, Sassari, Oristano.

***Zone D***

The entire Greek territory with the exception of prefectorates listed in Zone E.

***Zone E***

Dodekanisi, Samos, Chios and Lesvos prefectorates.'

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